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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,071	11/20/2003	James Chien-Chiung Chen	TUC920030132US1	2276
46917 7590 04/08/2008 KONRAD RAYNES & VICTOR, LLP. ATTN: IBM37 315 SOUTH BEVERLY DRIVE, SUITE 210 BEVERLY HILLS, CA 90212				
EXAMINER				
LIN, KENNY S				
ART UNIT		PAPER NUMBER		
2152				
MAIL DATE		DELIVERY MODE		
04/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,071

Applicant(s)

CHEN ET AL.

Examiner

Kenny S. Lin

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date 3/13/07
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-30 are presented for examination.
2. The IDS submitted on 3/13/2007 is considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 9-11, 19-21 and 29-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Tabuchi, US 2003/0037117.
5. As per claims 1, 11 and 21, Tabuchi taught the claimed invention including a method for assigning priorities, comprising:
 - a. Receiving a request to manipulate data (pp. 0034-0036);
 - b. Determining a type of the request (pp. 0035-0036, 0054-0055); and
 - c. Assigning a priority to the request based on the type of the request (pp. 0036-0037, 0054-0056).

6. As per claim 9, 19 and 29, Tabuchi taught the claimed invention as claimed in claims 1, 11 and 21. Tabuchi further taught to send a command to a secondary control unit, wherein the command includes the request and the assigned priority (pp. 0054).

7. As per claim 10, 20 and 30, Tabuchi taught the claimed invention as claimed in claims 9 19 and 29. Tabuchi further taught that at the secondary control unit, using the priority assigned to the request to process the request (pp. 0054).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-6, 12-16, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabuchi, US 2003/0037117, in view of West et al (West), US 6,912,629.

10. As per claims 2-6, 12-16, 22-26, Tabuchi taught the invention substantially as claimed in claims 1, 11 and 21. Tabuchi further taught to assign the requests different priorities, receive host priority and map the host priority to high priority range (pp. 0035-0037, 0048-0049, 0054-0056). Tabuchi did not specifically disclose that the request is issued with synchronous PPRC command, asynchronous PPRC command, Extended Distance PPRC command. However, the

uses of PPRC commands are well known and expected in the art. West disclosed the use of PPRC, extended copying and asynchronous copying (col.1, lines 54-67, col.2, lines 1-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tabuchi and West and assign priorities over different types of commands including PPRC commands for processing.

11. Claims 7-8, 17-18 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tabuchi, US 2003/0037117, in view of Meaney et al (Meaney), US 5,564,062.

12. As per claims 7-8, 17-18 and 27-28, Tabuchi taught the invention substantially as claimed in claims 1, 11 and 21. Tabuchi did not specifically teach to map the host priority based on at least one of pending request and available resource and updating a priority for a pending request. Meaney taught to assign and update priority based on pending request and resource availability (abstract, col.2, lines 5-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tabuchi and Meaney because Meaney's teaching of checking the availability of resource enables Tabuchi's method to avoid resource conflict and assign priority to requests accordingly.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Horvitz et al., US 2004/0143636.

Mirashrafi et al., US 5,574,934.

Micka et al., US 6,189,079.

Blea et al., US 2005/0108565.

14. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kenny S Lin/
Primary Examiner, Art Unit 2152
April 7, 2008